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11 Attorneys for Plaintiffs
12 BAYKEEPER and
13 WEST COUNTY TOXICS COALITION

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 BAYKEEPER, a non-profit corporation,
18 and WEST COUNTY TOXICS
19 COALITION, a non-profit organization,

20 Plaintiffs,

21 v.

22 CITY OF RICHMOND, a municipal
23 corporation; WEST COUNTY
24 WASTEWATER DISTRICT, a municipal
25 corporation; VEOLIA WATER NORTH
26 AMERICA OPERATING SERVICES, a
limited liability corporation; and WEST
COUNTY AGENCY, a joint powers
agency,

27 Defendants.
28

Civil Case No.: C 05-03829 MMC

**STIPULATION TO DISMISS PLAINTIFFS'
CLAIMS WITH PREJUDICE AND REQUEST
FOR DISTRICT COURT TO RETAIN
JURISDICTION TO ENFORCE
SETTLEMENT AGREEMENT;
~~[PROPOSED]~~ ORDER.**

1 Plaintiffs Baykeeper and West County Toxics Coalition (collectively referred to as
2 "Plaintiffs"), and Defendants City of Richmond ("Richmond"), Veolia Water North America
3 Operating Services ("Veolia"), and West County Wastewater District ("WCWD") (Defendants
4 Richmond, Veolia and WCWD are hereinafter collectively referred to as "Defendants," and
5 Plaintiffs and Defendants are hereinafter collectively referred to as the "Settling Parties") by and
6 through their attorneys of record, hereby enter into this stipulation to dismiss with prejudice all of
7 Plaintiffs' claims and request to have the District Court retain jurisdiction to enforce the terms of
8 the Settlement Agreement, incorporated herein and attached as Exhibit A to this stipulation and
9 [proposed] order.

10 WHEREAS, on June 28, 2006, Plaintiffs and Defendants entered into a settlement
11 agreement dismissing with prejudice all of Plaintiffs' claims as set forth in Civil Case No. 05-
12 03829 MMC against Defendant West County Agency and Plaintiffs Eighth, Ninth, Fifteenth,
13 Sixteenth, and Seventeenth claims against the remaining Defendants for alleged violations of the
14 Federal Water Pollution Control Act (the "Act" or "Clean Water Act" or "CWA") related to the
15 Defendants' wastewater treatment plants ("Prior Settlement Agreement");

16 WHEREAS, on July 5, 2006, this Court entered an Order granting Plaintiffs and
17 Defendants' stipulation and request for an order dismissing with prejudice the claims described in
18 the Prior Settlement Agreement;

19 WHEREAS, on or about October 17, 2006, Plaintiffs and Defendants entered into a
20 settlement agreement dismissing with prejudice all of Plaintiffs' remaining claims as set forth in
21 Civil Case No. 05-03829 MMC against Defendants ("Settlement Agreement"). This Settlement
22 Agreement, together with the Prior Settlement Agreement, achieves a full and final settlement of
23 all of Plaintiffs' claims;

24 WHEREAS, Plaintiffs and Defendants now enter into this stipulation to dismiss with
25 prejudice all remaining claims against the Defendants, and request the Court to enter an Order
26 dismissing Plaintiffs' action in its entirety with prejudice and retain jurisdiction to enforce the
27 terms of the Settlement Agreement;

28 NOW THEREFORE, the Settling Parties jointly stipulate as follows:

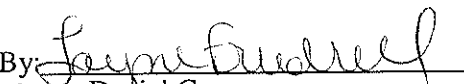
1 1. Plaintiffs' claims against Defendants, as set forth in Civil Case No. 05-03829
2 MMC, are hereby dismissed with prejudice. The Settling Parties respectfully request an Order
3 from this Court dismissing such claims with prejudice.

4 2. The Settling Parties also respectfully request that this Court retain jurisdiction over
5 Plaintiffs' First, Second, Third, Fourth, Fifth, Sixth, Seventh, Tenth, Eleventh, Twelfth,
6 Thirteenth, and Fourteenth claims against Defendants (other than allegations related to biosolids
7 and effluent monitoring dismissed pursuant to the Prior Settlement Agreement and the Court's
8 July 5, 2006 Order) for the sole purpose of resolving any disputes between the Settling Parties
9 with respect to enforcement of any provision of the terms of the Settlement Agreement; and

10 3. Nothing in the Settlement Agreement or this stipulation shall affect the Prior
11 Settlement Agreement or the Court's July 5, 2006 Order.


12 Dated: October 18, 2006

13 LAWYERS FOR CLEAN WATER, INC. ENVIRONMENTAL ADVOCATES

14
15 By: 
16 for Daniel Cooper
17 Attorney for Plaintiffs

By: _____
Christopher Sproul
Attorney for Plaintiffs

18 DOWNEY BRAND LLP

19
20 By: 
21 Melissa Thorne
22 Attorney for Defendants
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24
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28

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5 Plaintiffs' First, Second, Third, Fourth, Fifth, Sixth, Seventh, Tenth, Eleventh, Twelfth,
6 Thirteenth, and Fourteenth claims against Defendants (other than allegations related to biosolids
7 and effluent monitoring dismissed pursuant to the Prior Settlement Agreement and the Court's
8 July 5, 2006 Order) for the sole purpose of resolving any disputes between the Settling Parties
9 with respect to enforcement of any provision of the terms of the Settlement Agreement; and

10 3. Nothing in the Settlement Agreement or this stipulation shall affect the Prior
11 Settlement Agreement or the Court's July 5, 2006 Order.

12 Dated: October __, 2006

13 LAWYERS FOR CLEAN WATER, INC. ENVIRONMENTAL ADVOCATES

14
15 By: _____
16 Daniel Cooper
17 Attorney for Plaintiffs

By: Christopher Sprohl
Christopher Sprohl
Attorney for Plaintiffs

18 DOWNEY BRAND LLP

19
20 By: _____
21 Melissa Thorne
22 Attorney for Defendants
23
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25
26
27
28

~~[PROPOSED]~~ ORDER

Good cause appearing, and based on the stipulation of the parties,

IT IS HEREBY ORDERED that Plaintiffs' claims against Defendants as set forth in Civil Case No. 05-03829 MMC, are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction over Plaintiffs' First, Second, Third, Fourth, Fifth, Sixth, Seventh, Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth claims against Defendants (other than allegations related to biosolids and effluent monitoring dismissed pursuant to this Court's July 5, 2006 Order) for the sole purpose of resolving any disputes between the parties with respect to enforcement of any provision of the terms of the Settlement Agreement;

IT IS FURTHER ORDERED that nothing in this Order shall affect the Court's July 5, 2006 Order concerning the Prior Settlement Agreement.

IT IS SO ORDERED.

Dated: December 8, 2006

NORTHERN DISTRICT OF CALIFORNIA



Honorable Maxine M. Chesney
United States District Court
Northern District of California